UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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NETLIST, INC.,

  Plaintiff,

 vs.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC.,

  Defendants.

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Civil Action No. 2:21-CV-463-JRG

JURY TRIAL DEMANDED

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NETLIST'S OPPOSED MOTION FOR COURT COSTS

Pursuant to this Court's Standing Order Regarding Bill of Costs, Netlist, Inc. ("Netlist") files the following motion.

This Court entered judgment in this matter for $303,150,000.00 and awarded costs to Netlist. Dkt. 551. Netlist has met and conferred with Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc. (together, "Samsung") regarding the bill of costs. Netlist provided its proposed bill of costs to Samsung on August 23, 2023. As of the filing of this motion, Defendants have indicated that they generally object to Netlist's bill of costs, but are still considering Netlist's proposed costs and have not indicated the extent to which they agree or disagree with each item identified in the proposed costs. As a result, Netlist does not know what specific costs (if any) are disputed and in what amount. While Netlist believes the Parties may be able to reach agreement on costs, as the bill of costs is due today, Netlist is filing this motion in an abundance of caution. Netlist will continue to meet and confer with Defendants to determine if the Parties can reach agreement.

Netlist's proposed Bill of Costs is attached as Exhibit A. The submitted costs comply with the court's Standing Order Regarding Bills of Costs. Netlist only seeks costs for the recoverable costs the Court has identified: (1) Fees of the clerk and marshal; (2) Fees for printed or electronically recorded transcripts necessarily obtained for use in the case (pursuant to the Court's standing order, Netlist has removed and is not seeking costs for expedited services and real-time); (3) Fees and disbursements for printing and witnesses; (4) Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case; (5) Docket fees under section 1923 of this title; (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title. 28 U.S.C. § 1920. Support for the original numbers in Netlist's proposed Bill of Costs is set forth in the worksheets attached as Exhibit B. Netlist is willing to provide invoices to the Court at the Court's request.

In light of the fact that Netlist's costs are reasonable and supported by the evidence, Netlist respectfully requests the Court to enter its proposed bill of costs as set forth in Exhibit A.

Dated: August 25, 2023

Respectfully submitted,

/s/ Jason G. Sheasby

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CERTIFICATE OF SERVICE

I hereby certify that, on August 25, 2023, a copy of the foregoing was served to all counsel of record.

/s/ Jason Sheasby
Jason Sheasby

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7, local counsel for Netlist met and conferred with local counsel for Samsung prior to the filing of this motion. Counsel for Samsung indicated that Samsung opposes this motion.

/s/ Jennifer Truelove
Jennifer Truelove